

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

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COCHISE SAPP,

Plaintiff,

-v-

OFFICER RIED, #9277; OFFICER BRANDS  
#13259; OFFICER BREATHWARTE, #12826;  
CAPTAIN C. NAUGHTON, #257, and OFFICER  
CONYERS, #5858;

Defendants.  
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USDC SDNY DOCUMENT ELECTRONICALLY FILED DOC #: DATE FILED: 8/14/08
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07 CIV. 8266 (DLC)

ORDER

DENISE COTE, District Judge:

Plaintiff Cocise Sapp ("plaintiff") filed this action on September 24, 2007; the defendants named in the original complaint answered in February and March 2008. The schedule issued after the initial pretrial conference held on January 18, 2008, provided for discovery to be completed by July 25, 2008.

Through an ex parte letter of March 3, Plaintiff requested an opportunity to amend the complaint. Plaintiff was required in Orders of March 12 and April 15 to serve the defendants and to move to amend his complaint if they did not consent to the amendment. By letter dated April 20, plaintiff provided the Court with a copy of his amended complaint, which the Court directed to be docketed and filed on May 5.

Plaintiff seeks to add four defendants to the complaint: Warden Bailey, Captain Holiday, and Officers McDonald and Hudson.

The Corporation Counsel of the City of New York ("City") represents in a letter of August 12 that it has objected to the addition of Warden Bailey as a defendant. It had communicated that position to the plaintiff, who at one point agreed not to add the Warden as a defendant. Plaintiff appears to have changed course, and now wishes to add all four defendants to the amended pleading.

In its August 12 letter, the City seeks dismissal of the amended complaint for the plaintiff's failure to adhere to the deadlines in the March 12 and April 15 Orders, and an extension of the discovery deadline. Accordingly, it is hereby

ORDERED that the amended complaint, filed on May 5, 2008, is accepted as the plaintiff's amended complaint.

IT IS FURTHER ORDERED that the claims against Warden Bailey in the amended complaint are stricken. In the event that the plaintiff wishes to add the claims against Warden Bailey he must file the motion to amend by **September 19, 2008**. Opposition to the motion will be due **October 10, 2008**; any reply is due **October 24, 2008**.

IT IS FURTHER ORDERED that the fact discovery period is extended until **October 24, 2008**.

IT IS FURTHER ORDERED that the plaintiff's Pretrial Statement, described in the Order of January 22, 2008, is due **December 12, 2008**.

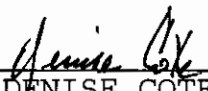
IT IS FURTHER ORDERED that the defendants' Pretrial Statement is due **January 9, 2008**.

IT IS FURTHER ORDERED that when filing any papers with the Court, the parties shall provide a courtesy copy to Chambers by sending them to this Court's Pro Se Office, Room 230, United States Courthouse, 500 Pearl Street, New York, New York 10007.

IT IS FURTHER ORDERED that failure to comply with any of the terms of this Order may constitute grounds for the denial of requested relief, dismissal of the action, the entry of judgment by default, or such other action as may be just in the circumstances.

SO ORDERED:

Dated: New York, New York  
August 14, 2008

  
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DENISE COTE  
United States District Judge

COPIES SENT TO:

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